

06-1-6
1/27/06

Resolution No. 2006-1

**A RESOLUTION OF THE SOUTH BAY CITIES COUNCIL OF
GOVERNMENTS CONCERNING THE STATEWIDE AGREEMENT WITH
THE RAILROADS**

WHEREAS, diesel particulate pollution accounts for the majority of the health risks from transportation sources in California.

WHEREAS, locomotives and railyards are responsible for a large portion of the diesel particulate pollution, and these emissions are often produced in close proximity to our homes, businesses, and schools.

WHEREAS, disproportionate risks from rail sources adversely affect our lower income communities.

WHEREAS, clean locomotive and railyard technologies are commercially available and could dramatically reduce locomotive emissions.

WHEREAS, federal and state requirements have not done enough to protect communities in California from the risks and nuisances from expanding locomotive traffic and pollution.

WHEREAS, the California Air Resources Board staff and Union Pacific Railroad Company and BNSF Railway Company entered into a voluntary Statewide Agreement (MOU) that became effective on June 30, 2005.

WHEREAS, the process to develop the MOU failed to provide opportunities for collaboration or public participation. The MOU was developed and signed in secret by the Air Resources Board staff, rather than the appointed governing Board. There was no public, agency or legislative input—despite ongoing local planning, rulemaking actions, and pending legislation on the same issues

WHEREAS, the closed-door process produced an agreement with ambiguous language, weak provisions, and the goals, timetables, and lack of enforceability are inadequate.

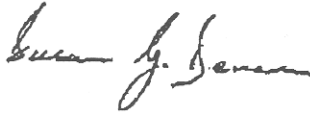
WHEREAS, the Statewide MOU includes a termination clause, or *poison pill*, that is intended to prevent state or local efforts from achieving additional diesel emission reductions needed throughout California and to allow the railroads to walk away at their sole discretion.

WHEREAS, at the October 27, 2005 meeting of the Air Resources Board held in El Monte the Board received numerous written submittals and the testimony of 74 witnesses. In response to concerns raised, the Air Resources Board postponed Board action to ratify, amend or rescind the MOU until its January 26, 2006 meeting in Sacramento.

WHEREAS, the Statewide MOU excludes opportunities for collaboration and meaningful public participation and limits the ability of the Legislature, air districts, and local government to control diesel pollution throughout California.

NOW THEREFORE BE IT RESOLVED, that South Bay Cities Council of Governments urges the State Legislature of California to instruct the Air Resources Board to nullify the Statewide MOU with the railroads or, at a minimum, remove the termination clause from the agreement.

PASSED, APPROVED, and ADOPTED this 16th day of January, 2006.



Susan Y. Dever
Chairperson

ATTEST:



Merna Marshall
Secretary